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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,356	02/27/2002	Masahiro Kageyama	H-1037	9182
7590 04/28/2008 Mattingly, Stanger & Malur, P.C. Suite 370 1800 Diagonal Road Alexandria, VA 22314			EXAMINER	
			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	
			MAIL DATE	DELIVERY MODE
			04/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/083,356	<b>Applicant(s)</b> KAGEYAMA ET AL.
	<b>Examiner</b> JOSHUA JOO	<b>Art Unit</b> 2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 February 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 12-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 and 12-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 2/13/08
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Detailed Action***

1. This Office action is in response to communication dated 02/13/2008.

Claims 1-8, 12-15 are presented for examination.

**Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/14/2008 has been entered.

**Response to Arguments**

3. Applicant's arguments with respect to claims 1-8, 12-15 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment.

**Information Disclosure Statement**

4. The information disclosure statement (IDS) submitted 2/13/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claim 4, in the phrases, "sending the identification information, the selected area information, and the messages which are sent from the first terminal device" and "displaying the messages", "the messages" has insufficient antecedent basis as the first terminal device sends "a message" and not more than one message.

Furthermore, in the phrase, "receiving the identification and selected area information and the message", "the identification and selected area information" and "the message" have insufficient antecedent basis as the claim recites of more one identification and selected area information and message, i.e. identification, selected area information, and message from the first and second terminal devices. It is unclear as to which identification, selected area information, and message is being referenced by "the identification and selected area information" and "the message".

#### **Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Zenith, US Publication #2006/0130109 (Zenith hereinafter).

9. As per claim 1, Zenith teaches the invention as claimed including an information exchange method comprising the steps of:

obtaining a content broadcasted or distributed from a broadcaster or distributor to a first and second terminal devices across TV broadcast or the Internet (Paragraph 0023. Broadcast TV content over channel. Paragraphs 0025. Content over WebTV.);

displaying a video image regarding the content on the first and second terminal devices

(Paragraph 0027. Display television show including viewing choices.);

selecting areas on the displayed video image by the first and second terminal device after the broadcast or the distribution of the content (Paragraph 0028. Select TV chat by a pointing device. It is inherent that there are more than one television set and more than one viewer may select areas on a displayed video image.);

sending identification information to identify the displayed video image and selected area information, which indicates areas selected on the displayed video image from the first and second terminal devices to a server device connected to the computer network, respectively, across the computer network (Paragraph 0028. Send chat request to a server. Unique identifier of show. The chat request is indicative of the "TV Chat" area selected by the user.); and

allowing communication messages between the first and second terminal by the server device, based on the received identification information and an overlap between the areas which are indicated in the selected area information (Paragraphs 0028; 0029. Join chat room based on the identifier of the show and overlap of "TV Chat").

10. As per claim 2, Zenith teaches the information exchange method as recited in claim 1 wherein:

the first terminal device displays the video image regarding the content of interest rendered by media (Paragraph 0027. Display television show including viewing choices.) and sends first information to the server device, the first information including first identification information to identify the displayed video image on the first terminal device (Paragraph 0028. Paragraph 0028. IRC server selects chat room based on identifier of show. It is inherent that the identifier is sent to the IRC server.), and a first selected area information to define an area which is selected by a user of the first terminal device on

the displayed video image on the first terminal device (Paragraph 0028. Send chat request to a server.

The chat request is indicative of the "TV Chat" area selected by the user.);

the second terminal device displays the video image regarding the content of interest rendered by media and sends second information to the server device (Paragraph 0027. Display television show including viewing choices. It is inherent that more than one viewer.), the second information including second identification information to identify the displayed video image on the second terminal device (Paragraph 0028. IRC server selects chat room based on identifier of show. It is inherent that the identifier is sent to the IRC server.), and second selected area information to define an area which is elected by a user of the second terminal device on the displayed video image on the second terminal device (Paragraph 0028. Send chat request to a server. The chat request is indicative of the "TV Chat" area selected by the user.);

the server device makes up a group of the first and second terminal devices, according to a grouping process using by judging an overlap between areas defined in the first and second area information sent to the first and second terminal devices (Paragraph 0028. Viewer joins chat room based on identifier and overlap of "TV Chat");

the first terminal sends a first message to the server device (Paragraph 0033. Send dialogue.);

the server device sends the first message to one or more terminal devices belonging to the group including the second terminal device (Paragraph 0030; 0032. Viewer displays chat dialogue. Chat message must be sent to another viewer.); and

the second terminal device receives and outputs the message (Paragraph 0030; 0032. Viewer displays chat dialogue.).

11. As per claim 3, Zenith teaches the information exchange method as recited in claim 2 wherein:  
the grouping process comprises one of or a combination of a plurality of the following:

grouping terminal devices for information exchange for which matching to a certain extent occurs regarding the first and second information received therefrom; grouping terminal devices for information exchange for which matching to a certain extent occurs regarding the first and second identification information and the first and second selected area information, received therefrom; grouping terminal devices for information exchange by limiting the number of terminal devices to form a group to a given number; grouping terminal devices for information exchange for which matching occurs in one of or a plurality of items for information designating appointed identifiers of terminal devices for information exchange, geographical area, interests, content titles, and community, respectively (Paragraph 0028).

Visitors put in chat room corresponding to particular identifiers and chat requests.).

12. As per claim 12, Zenith teaches the information exchange method according to claim 1, wherein the server device allows communication of messages between the first terminal device and the second terminal device based on consistency between the identification and selected area information from the first terminal device and identification information and selected area information from the second terminal device (Paragraph 0028. Viewer is placed in a chat room based on chat request and identifier of the show. Therefore, other viewers in the chat room would also have similar identifiers and provided chat request.).

13. As per claim 13, Zenith teaches the information exchange method according to claim 12, wherein the communication messages between the first terminal device and the second terminal device includes chat using the computer network (Paragraph 0028. Chat.).

14. As per claim 14, Zenith teaches the information exchange method according to claim 12, wherein the displayed video image regarding the content is a television video image (Paragraphs 0022; 025. Television broadcast.).

15. As per claim 15, Zenith teaches the information exchange method according to claim 1, wherein the selected area information includes area information indicated from the displayed video image by using a pointing device (Paragraph 0028. Select "TV chat" using a pointing device.).

#### **Claim Rejections - 35 USC § 103**

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenith, in view of Sarachik et al. US Patent #6,816,628 (Sarachik hereinafter).

18. As per claim 4, Zenith teaches substantially the invention as claimed including an information exchange method, comprising the steps of:

obtaining a content broadcasted or distributed from a broadcaster or distributor to a first and second terminal devices across TV broadcast or the Internet (Paragraph 0023. Broadcast TV content over channel. Paragraphs 0025. Content over WebTV.);

displaying video images regarding the contents on the first terminal device and on the second terminal device (Paragraph 0027. Display television show including viewing choices.);

selecting areas on the displayed video image by the first and second terminal device after the broadcast or the distribution of the content (Paragraph 0028. Select TV chat by a pointing device. It is inherent that there are more than one television set and more than one viewer may select areas on a displayed video image.);

sending identification information to identify the displayed video image on the first terminal device, a first selected area information which indicates areas selected on the displayed video image on the first terminal device, and a message from the first terminal device to a server device for information exchange, across a computer network (Paragraph 0028. Send chat request to a server. Unique identifier of show. The chat request is indicative of the "TV Chat" area selected by the user. Paragraph 0033. Chat dialogue sent to server.);

sending identification information to identify the displayed video image on the second terminal device, a first selected area information which indicates areas selected on the displayed video image on the second terminal device, and a message from the second terminal device to a server device for information exchange, across a computer network (Paragraph 0028. Send chat request to a server. Unique identifier of show. The chat request is indicative of the "TV Chat" area selected by the user. Paragraph 0029. Chat room. Paragraph 0033. Chat dialogue sent to server. It is inherent that more than one viewer sends information.);

making up a group of two or more terminals devices including at least the first terminal device and the second terminal device, based on an overlap between areas which are indicated by the first and second selected area information (Paragraphs 0028; 0029. Join chat room based on the identifier of the show and overlap of "TV Chat".),

sending the messages which are sent from the first terminal device to the server device, to the second terminal device belonging to the group across the computer network by the server device (Paragraph 0030; 0032. Viewer displays chat dialogue. Chat message must be sent to another viewer.);

- displaying the messages on the second terminal device based on the messages (Paragraph 0030; 0032. Display chat dialogue.).
19. Zenith does not specifically teach of receiving the identification and selected area information from the server device by the second terminal device; and displaying the messages on the second terminal device based on the received identification and selected area information.
20. Sarachik teaches a system for sending information regarding a displayed image, wherein a message, identification information, and selected area information are sent from a first terminal device to the server device (col. 4, lines 45-55, 56-62. Send annotation data, i.e. price, name, textual information, regarding objects. Send information about shape and location of object, e.g. shirt. Selection portions of image.); the identification and selected area information is received from the server device by the second terminal device; and the messages on the second terminal device is displayed based on the received identification and selected area information (col. 7, lines 59-64; col. 11, lines 21-24; col. 13, lines 45-47. Display annotated data at television display based on regions. col. 9, lines 35-42, 53-56. Display information.).
21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the first terminal device communicating with the second terminal device via server as taught by Zenith to send a message, identification information, and selected area information to a second device via a server, and for the second device to display the message based on the identification information and selected area information. The motivation for the suggested combination is that Sarachik's teachings would improve Zenith's teachings by allowing viewers to receive information identifying objects of interest in a displayed video in addition to chatting with other viewers regarding the displayed video.

22. As per claim 5, Zenith teaches the information exchange method as recited in claim 4 wherein: said server device makes up a group of terminal devices for information exchange having a group identifier registered beforehand (Paragraph 0028. Select chat room corresponding to the identifier. It is essential for the chat group to have a registered identifier to identify the chat group.).

23. As per claim 8, Zenith teaches the information exchange method as recited in claim 4 wherein: said message comprises one of a combination of a plurality of the following items: character strings of text and keywords, audio information, video information, advertising information, time information, thumbnail images, and a pointer information (Paragraph 0028; 0030. Text, audio, or video.).

24. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenith and Sarachik, in view of DeWeese et al. US Publication #2005/0262542 (DeWeese hereinafter).

25. As per claim 6, Zenith does not specifically teach the information exchange method as recited in claim 4 wherein: the server device makes up group of terminal devices for information exchange in such a way in which: the server device makes a list of one or more groups that have been made up and related group information and sends the group list to the first terminal device; the first terminal device receives and outputs the group list, selects the group information for one group from the group list, then sends the selected group information to the server device across the computer network; and the server device sets the first terminal device to join the group appointed by the selected group information.

26. DeWeese teaches a similar for chatting between television viewers wherein the server device makes up group of terminal devices for information exchange in such a way in which: the server device makes a list of one or more groups that have been made up and related group information and sends the group list to the first terminal device (Paragraph 0116. Provide list of chat groups to the user. Paragraph 0117. Chat groups.); the first terminal device receives and outputs the group list, selects the group

information for one group from the group list, then sends the selected group information to the server device across the computer network (Paragraphs 0117; 0123; 0130. User selects and joins chat group.); and the server device sets the first terminal device to join the group appointed by the selected group information (Paragraphs 0099; 0123; 0145. Chat groups maintained by server. Server joins the user to the chat group.).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the server device to make up group of terminal devices for information exchange in such a way in which: the server device makes a list of one or more groups that have been made up and related group information and sends the group list to the first terminal device; the first terminal device receives and outputs the group list, selects the group information for one group from the group list, then sends the selected group information to the server device across the computer network; and the server device sets the first terminal device to join the group appointed by the selected group information. The motivation for the suggested combination is that DeWeese's teachings would improve the suggested system by allowing the viewer to choose a chat room to join rather than being selected to a chat room.

28. As per claim 7, Zenith and DeWeese teach of sending group information. Zenith and DeWeese further teach the information exchange method as recited in claim 6 wherein: the group information includes the identification information and the selected area information (Paragraph 0028. Send chat request to a server. Unique identifier of show.).

### **Conclusion**

29. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

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30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./  
Examiner, Art Unit 2154

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2154